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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

Aug 12 1988

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

August 10, 1988

TOWN OF RYE
c/o John Coffey
Chairman, Board of Selectmen
10 Central Road
Rye, NH 03870

Re: Request for Information Pursuant to Section 104 of CERCLA and
Section 3007 of RCRA for the Coakley Landfill Site in North
Hampton, New Hampshire (hereinafter referred to as "the Site")

Dear Sir or Madam:

The United States Environmental Protection Agency (EPA) is currently investigating the source, extent and nature of the release or threatened release of hazardous substances, pollutants or contaminants, or hazardous wastes on or about the Coakley Landfill Site in North Hampton, New Hampshire (the Site). EPA is currently in the final stages of conducting the Remedial Investigation/Feasibility Study at the Coakley Landfill Site. EPA's investigation thus requires inquiry into the identification, nature and quantity of materials that have been or are generated, treated, stored or disposed of at or transported to the Site and the nature or extent of the release or threatened release of hazardous substances or pollutants or contaminants at or from the Site. EPA also is seeking information relating to the ability of a person to pay for or to perform a cleanup of the Site.

Pursuant to the authority of Section 104 of CERCLA, 42 U.S.C. Section 9604, and Section 3007 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6927, you are hereby requested to respond to the Information Request set forth in Attachment A, attached hereto.

Compliance with the Information Request set forth in Attachment A is mandatory. Failure to respond fully and truthfully to the Information Request within thirty (30) days of receipt of this letter, or to adequately justify such failure to respond, can result in an enforcement action by EPA pursuant to Section 104(e) of CERCLA, and/or Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to twenty-five thousand dollars (\$25,000) for each day of continued non-compliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001 or Section 3008(d) of RCRA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501, et seq.

Your response to this Information Request should be mailed to:

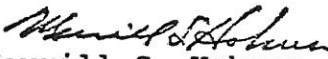
Mr. Paul Marchessault
U.S. Environmental Protection Agency
P.O. Box 3409
Reston, VA 22091

If you have any legal questions, please direct such questions to Jeremy Firestone of the Office of Regional Counsel at (617) 565-3334. If you have any technical questions, please direct such questions to Mr. Marchessault at (617) 573-9626. Please call Mr. Firestone or Mr. Marchessault, Tuesdays or Wednesdays between the hours of 10:00 A.M. and 4:00 P.M.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,


Merrill S. Hohman, Director
Waste Management Division

Attachment

cc: Jeremy Firestone, Office of Regional Counsel
Jonathan Z. Cannon, Acting Director, Office of Waste Programs
Enforcement
Thomas L. Adams, Jr., Assistant Administrator,
Office of Enforcement & Compliance Monitoring
Michael Robinette, NH Department of Environmental Services
Bruce Marshall, Chief, Superfund Enforcement Support Section
Emily Bernheim, Assistant Attorney General,
New Hampshire Attorney General's Office
Paul Marchessault, Remedial Project Manager
William Patterson, Federal Natural Resource Trustee
Kenneth Finkelstein, Federal Natural Resource Trustee
Michael R. Deland, Regional Administrator

COAKLEY LANDFILL

FIRST INFORMATION REQUEST

Instructions

1. A separate response must be made to each of the Requests set forth in this Information Request.
2. Precede each answer with the number of the Request to which it corresponds.
3. In answering each Request, identify all documents and persons that contributed information relating to your response.
4. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of this response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA thereof as soon as possible.
5. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Request to which it responds.
6. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and 40 C.F.R. 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent, and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.
7. Where specific information has not been memorialized in any document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.

Definitions

The following definitions shall apply to the following words as they appear in this Attachment A:

1. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.
2. The term "person" as used herein includes, in the plural as well as the singular, any natural person, firm, unincorporated association, partnership, corporation, trust or other entity.
3. The terms "the Site" or "the facility" shall mean and include the property on or about the Coakley Landfill Site owned by Coakley Landfill, Inc. that is in North Hampton, New Hampshire.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA and includes any mixtures of such hazardous substances including petroleum products.
5. The term "pollutant or contaminant," shall have the same definition as that contained in Section 101(33) of CERCLA, and includes any mixtures of such pollutants and contaminants with any other substances, including petroleum products.
6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA.
7. The term "solid waste" shall have the same definition as that contained in Section 1004(27) of RCRA.
8. The term "materials" shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site, including but not limited to all hazardous substances, pollutants and contaminants, hazardous wastes and solid wastes, as defined above.
9. The term "hazardous material" shall mean all hazardous substances, pollutants or contaminants, and hazardous wastes, as defined above.
10. The term "non-hazardous material" shall mean all material as defined above, excluding hazardous substances, pollutants and contaminants, and hazardous waste.

11. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
12. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship) to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
13. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
14. The term "release" has the same definition as that contained in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22); and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
15. The terms "document" and "documents" shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc or disc pack, any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like of it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.

16. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
17. The term "arrangement" means every separate contract or other agreement between two or more persons.
18. The term "asset" shall include the following: real estate, buildings or other improvements to real estate, equipment, vehicles, furniture, inventory, supplies, customer lists, accounts receivable, interest in insurance policies, interests in partnerships, corporations and unincorporated companies, securities, patents, stocks, bonds and other tangible as well as intangible property.

REQUESTSGENERAL INFORMATION

1. Identify the person(s) answering these Requests on behalf of the Respondent.
2. For each and every Request contained herein, identify all persons consulted in the preparation of the answer.
3. For each and every Request contained herein, identify all documents consulted, examined or referred to in the preparation of the answer and provide true and accurate copies of all such documents.
4. If you have a reason to believe that there may be persons able to provide a more detailed or complete response to any Request contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
5. Identify all persons, including Respondent's employees, who have knowledge or information about the generation, use, purchase, treatment, storage, disposal or other handling of materials at, or transportation of materials to the Site.
6. For each and every Request contained herein, if information responsive to this Information Request is not in your possession, custody or control, then identify the persons from whom such information may be obtained.
7. If you have answered any of these requests in a previous Information Request letter, please specify the date of the letter and the request to which you have responded relevant to Coakley Landfill.

FINANCIAL/CORPORATE INFORMATION

8. Please state the correct legal name of your town, company, agency or business. For towns, provide the name and address of the current primary officer or town manager of your town. For companies, provide the name and address of the current president and chairman of the board of directors of your company. Additionally, please state any other names by which your company has been known.
9. If the company is or was a subsidiary of another corporation, identify such other corporation and state the dates during which the parent/subsidiary relationship existed and the name and address of that corporation president and chairman of the board and other officers.

10. Identify the state of incorporation and the agent for service of process for all companies identified in response to Requests 8 and 9 above. For towns, include all notice and/or service of process requirements.
11. Please state the nature of Respondent's business and briefly describe its operation.
12. Identify all liability insurance policies held by Respondent from 1960 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden or both types of accidents.
13. Identify Respondent's current assets and liabilities and current net worth.

GENERATOR/TRANSPORTER INFORMATION

14. Have you or any person working with you or on your behalf ever accepted materials (hazardous and non-hazardous) for transportation to the Site from any person? If the answer to this question is anything but an unequivocal no, identify:
 - a. All persons, including yourself, from whom you or such other persons accepted materials for transportation to the Site.
 - b. In general terms, the nature and quantity of all nonhazardous materials accepted for transportation to the Site.
 - c. The nature of the hazardous materials accepted for transportation to the Site including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process which generated the material.
 - d. The persons from whom you accepted hazardous materials.
 - e. Every date on which you transported hazardous materials to the Site.
 - f. The owners of the hazardous materials that were accepted for transportation.
 - g. The quantity (weight and volume) of hazardous materials brought to the Site.
 - h. All tests, analyses, analytical results and manifests concerning each hazardous material accepted for transportation to the Site.

- i. The precise location(s) at the Site to which each hazardous material was transported.
 - j. The persons who selected the location to which you would take each hazardous material. Where such persons intended to have the hazardous materials involved in each arrangement treated or disposed of and all evidence of their intent.
 - k. Who selected the Site as the location to which you would take each hazardous material.
 - l. The amount you were paid for accepting the hazardous materials for transportation, the method of payment and the identity of the persons who paid.
 - m. The amount you paid to dispose of the hazardous material at the Site, the method of payment and the identity of all persons whom you paid. Please provide copies of all contracts or agreements you have had with the City of Portsmouth, NH.
 - n. All sites at which such hazardous materials were transshipped through, or were stored or held at, prior to their final treatment or disposal.
 - o. What was done to the hazardous materials after they were transported to the Site.
 - p. The final disposition of each of the hazardous materials brought to the Site.
 - q. The markings on, type and number of containers in which the hazardous materials were stored when they were accepted and when they were left at the Site.
 - r. The permit number(s) assigned to you by the City of Portsmouth. This number identified you as a person able to dispose of materials at the Coakley Landfill Site. In addition, if you have a list of any or all other users of the landfill with or without assigned permit numbers, please provide that information.
15. Have you arranged for disposal or treatment, or transportation for disposal or treatment, of hazardous materials to the Site? If the answer to this question is anything but an unequivocal no, identify:
- a. All persons, including yourself, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of hazardous materials at or to the Site (or any transshipment site).

- b. The persons with whom you made such arrangements.
- c. Every date on which each of you made such arrangements.
- d. The nature, including the chemical content, characteristic, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous materials involved in each such arrangement.
- e. In general terms, the nature and quantity of non-hazardous materials involved in each such arrangement.
- f. The owner of the hazardous materials involved in each such arrangement.
- g. All tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions.
- h. The precise locations at which each hazardous material involved in such transactions actually was disposed or treated.
- i. Who selected the location within the Landfill to which the hazardous materials were to be disposed or treated.
- j. Who selected the Site as the location at which hazardous materials were to be disposed or treated.
- k. The amount paid in connection with each such arrangement, the method of payment and the identity of the persons involved in each arrangement.
- l. Where the persons identified in "k" above intended to have the hazardous materials involved in each arrangement treated or disposed and all evidence of their intent.
- m. All intermediate sites to which the hazardous materials involved in each arrangement were transshipped, or at which they were stored or held, any time prior to final treatment or disposal.
- n. What was done to the hazardous materials once they were brought to the Site.
- o. The final disposition of each of the hazardous materials involved in each arrangement.
- p. The measures taken by you to determine how and where treatment or disposal of the hazardous materials involved in each arrangement would actually take place.

- q. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.
- r. The permit number(s) assigned to you by the City of Portsmouth. This number identified you as a person able to dispose of materials at the Coakley Landfill Site. In addition, if you have a list of any or all other users of the landfill with or without assigned permit numbers, please provide that information.